

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:

DATE FILED: 7/24/17

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JODI ANN JONES, individually and as assignee :
of Jack Becht, MATT FRANKLIN, SEAN :
EVGENIY KIRICHENKO, WILL NOCK, HIMLA :
HOLDINGS, INC., ERIN MARSZALEK, FRANK :
PITT, individually and in his capacity as a trustee :
under a Will dated February 2, 2016, ADAM :
RODRIGUEZ, MARIA RODRIGUEZ, ZACHARY :
RODRIGUEZ, and XIAO LING WENG,

Plaintiffs,

- against -

THE BLEACHERS CORPORATION, SAM :
KLEIN, KF PECKSLAND LLC, JOSEPH LIPARI, :
MICHAEL BAIR, J. LAWRENCE CONNOLLY, :
DUNCAN EDWARDS, MICHAEL GUTH, :
FRANK B. JORDAN, EMILY MOMMSEN, :
MORRIS W. OFFIT, ROBERT ROSENBAUM, :
and WILLIAM D. RUECKERT,

Defendants.

17 Civ. 01941 (PGG)

STIPULATION AND ORDER
REGARDING STAY OF ACTION
PENDING MEDIATION AND
VOLUNTARY DISMISSAL AS
TO CERTAIN DEFENDANTS

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WHEREAS, plaintiffs commenced this action on March 16, 2017; and

WHEREAS, by agreement of plaintiffs, no party-defendant has yet filed a
responsive pleading or a motion directed to the complaint in this action, and one defendant (Mr.
Rosenbaum) has not been served; and

WHEREAS, the parties have agreed to dismiss certain defendants;

WHEREAS, the remaining parties have agreed to submit this action to a
mediation before JAMS; and

WHEREAS, the remaining parties desire to stay this action as against defendants The Bleachers Corporation, Sam Klein, and KF Peckslan pending that mediation; and

WHEREAS, plaintiffs desire that the Court dismiss the within action under Fed. R. Civ. P. 41(a)(2) as against defendants Joseph Lipari, Michael Bair, J. Lawrence Connolly, Duncan Edwards, Michael Guth, Frank B. Jordan, Emily Mommsen, Morris W. Offit, Robert Rosenbaum, and William D. Rueckert (collectively, the “Dismissed Defendants”), without prejudice and without costs; and

WHEREAS, the remaining parties wish to make certain other agreements that will govern the future course of this action subject to the outcome of the mediation proceeding that the parties are working to schedule in October.

NOW, THEREFORE, the parties through their below-named counsel agree as follows, subject to the order of this Court.

1. The Court, under Fed. R. Civ. P. 41(a)(2), dismisses the within action as against the Dismissed Defendants without prejudice and without costs.
2. Further proceedings in this action as against defendants The Bleachers Corporation, Sam Klein, and KF Peckslan are stayed pending the mediation proceeding described in this stipulation and order.
3. Counsel for plaintiffs will report to the Court concerning the status of the mediation within 30 days after it has occurred. If the mediation is unsuccessful, counsel for plaintiffs shall immediately notify the Court by ECF-filed letter, and will advise defendants by October 23, 2017, if they intend to amend the complaint, including amendment to add parties. Any amendment or motion for leave to amend, including to add parties, will be served by

November 20, 2017. If plaintiffs do not so advise defendants, defendants will answer, or move with respect to, the complaint by November 20, 2017.

4. The case management conference currently scheduled for August 3, 2017, is adjourned to November 20, 2017.

Dated: New York, New York
July 21, 2017

KARLINSKY LLC

By: /s/ Martin E. Karlinsky

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*Attorneys for Defendants The Bleachers
Corporation, Joseph Lipari, Michael Bair, J.
Lawrence Connolly, Duncan Edwards, Michael
Guth, Frank B. Jordan, Emily Mommsen, Morris W.
Offit, Robert Rosenbaum, and William D. Rueckert*

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By: /s/ Kristin Jamberdino, Esq.

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*Attorneys for Defendants Sam Klein
and KF Peckslund LLC*

The next status conference in this matter will take place on
SO ORDERED: Nov. 30, 2017 at 10:00 A.M.

Paul S. Sledge
U.S.D.J.

July 24, 2017